

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CASE NO. 5:20-CR-00501-M-1

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) **ORDER**  
 )  
TAMARCUS DAVIS *also known as FLIP*, )  
Defendant. )

This matter is before the court on Defendant's Motion to Revoke Magistrate's Order of Detention and Supporting Memorandum of Law [DE-20]. The court has (1) read the record in this case and the briefing related to the present motion, (2) reviewed the audio recording of the original detention hearing before Magistrate Judge Meyers, and (3) heard additional oral argument by counsel for both parties and testimony by Agent Preston at a hearing held on February 9, 2021.

For the reasons previously articulated by Magistrate Judge Meyers at the conclusion of the Defendant's original detention hearing and for those articulated by the undersigned at the conclusion of the February 9, 2021, hearing, the motion is DENIED. The weight of the evidence, including the thumbprint of this Defendant, a convicted felon, found on a magazine loaded into a pistol located inside a home where tens of thousands of dollars and a significant amount of heroin are also found, is sufficient to convince the court by clear and convincing evidence that no condition or combination of conditions will reasonable assure the safety of any other person and the community. 18 U.S.C. § 3142(e), (f); *see also United States v. Stewart*, 19 F. App'x 46, 48 (4th Cir. 2001) (unpublished) ("For pretrial detention to be imposed on a defendant, the lack of reasonable assurance of either the defendant's appearance or the safety of others or the community, is sufficient; both are not required."). The original Order of Detention Pending Trial

[DE-18] remains and Defendant has been remanded to the custody of the U.S. Marshals pending trial accordingly, pursuant to 18 U.S.C. § 3142(e).

SO ORDERED this the 10<sup>th</sup> day of February, 2021.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE